

AMENDED IN ASSEMBLY MAY 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2317**

**Introduced by Assembly Member Ducheny**  
**(Coauthor: Assembly Member Firebaugh)**  
**(Coauthor: Senator Kelley)**

February 24, 2000

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An act to amend Section 42405 of the Health and Safety Code, to add Division 35 (commencing with Section 72500) to the Public Resources Code, and to amend Section 13441 of, and to add Section 13362 to, the Water Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2317, as amended, Ducheny. Environmental protection: California-Mexico border.

Existing law prescribes civil penalties for violations of various air pollution and water quality laws. Existing law provides that  $\frac{1}{2}$  of a civil penalty imposed for a violation of a nonvehicular air pollution law shall be paid to the treasurer of the district on whose behalf the judgement was entered, and  $\frac{1}{2}$  of the penalty shall be paid to the State Treasurer for deposit in the General Fund. Under existing law, the penalty collected for a violation of specified water quality laws is required to be deposited in the State Water Pollution Cleanup and Abatement Account, except as specified.

This bill, instead, would require a portion of those civil penalties to be annually transferred to the California Border

Environmental Education Fund, which would be created by the bill. Under the bill, the money in that fund would be available, upon appropriation, to the Secretary for Environmental Protection for allocation for expenditure for the purposes of the bill. The bill would require the money in the fund to be used, among other things, to assist and train governmental officials and employees ~~in~~, and *community-based nonprofit environmental organizations located within* the California-Baja California border region, as defined, and faculty of postsecondary educational institutions ~~in located within~~ Baja California ~~that are located~~ and within the California-Baja California border region, on issues related to environmental protection and resource conservation. The bill would require the secretary to notify each eligible governmental entity, *community-based nonprofit environmental organization*, and postsecondary educational institution that the entity, *organization*, or institution may request funding for those purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 42405 of the Health and Safety
- 2 Code is amended to read:
- 3 42405. (a) In an action brought pursuant to Section
- 4 42403 by the Attorney General on behalf of a district,
- 5 one-half of the penalty collected shall be paid to the
- 6 treasurer of the district on whose behalf judgment was
- 7 entered, and one-half of the penalty collected shall be
- 8 paid to the State Treasurer for deposit in the General
- 9 Fund.
- 10 (b) If the action is brought by the Attorney General on
- 11 behalf of the state board, the entire penalty collected shall
- 12 be paid to the State Treasurer for deposit in the General
- 13 Fund.
- 14 (c) If the action is brought by a district attorney or by
- 15 an attorney for a district, the entire amount of the penalty
- 16 collected shall be paid to the treasurer of the district on
- 17 whose behalf judgment was entered.

1 (d) Of the total amount of money deposited each year  
2 in the General Fund pursuant to subdivisions (a) and (b),  
3 15 percent shall be transferred annually to the California  
4 Border Environmental Education Fund created  
5 pursuant to Section 72501 of the Public Resources Code.

6 SEC. 2. Division 35 (commencing with Section 72500)  
7 is added to the Public Resources Code, to read:

8  
9 DIVISION 35. ENVIRONMENTAL EDUCATION AT  
10 THE CALIFORNIA-MEXICO BORDER  
11

12 72500. The following definitions govern the  
13 construction of this division:

14 (a) "Cal BECC" means the California Border  
15 Environmental Cooperation Committee established on  
16 July 22, 1994, by the Governors of California, Baja  
17 California, and Baja California Sur.

18 (b) "California-Baja California border region" means  
19 the region described in Chapter IV of the US-Mexico  
20 Border XXI Program, Framework Document, published  
21 October 1996.

22 (c) "Fund" means the California Border  
23 Environmental Education Fund established pursuant to  
24 Section 72501.

25 72501. (a) The California Border Environmental  
26 Education Fund is hereby established in the State  
27 Treasury. Moneys collected from civil penalties imposed  
28 pursuant to Section 42403 of the Health and Safety Code  
29 and Division 7 (commencing with Section 13000) of the  
30 Water Code shall be deposited in the fund in accordance  
31 with Section 42405 of the Health and Safety Code and  
32 Section 13362 of the Water Code. The balance in the fund  
33 shall not exceed three hundred thousand dollars  
34 (\$300,000). Any money deposited in the fund that causes  
35 the balance to exceed three hundred thousand dollars  
36 (\$300,000) shall be returned to the source from which it  
37 was transferred.

38 (b) The money in the fund shall be available, upon  
39 appropriation, to the Secretary of Environmental

1 Protection, for allocation for expenditure for the purposes  
2 of this division.

3 *(c) The money in the fund shall not be made available*  
4 *for the purpose of bringing a person or a facility into*  
5 *compliance with environmental laws, or to provide funds*  
6 *to remediate environmental damage.*

7 72502. The money in the fund shall be used for the  
8 following purposes:

9 (a) To assist and train governmental officials and  
10 employees ~~in~~ *and community-based nonprofit*  
11 *environmental organizations located within the*  
12 California-Baja California border region, and faculty,  
13 including researchers, at postsecondary educational  
14 institutions ~~in located within Baja California —that are~~  
15 ~~located~~ *and within the California-Baja California border*  
16 *region, on issues related to environmental protection and*  
17 *resource conservation.*

18 (b) To provide technical assistance to those persons  
19 *and entities* described in subdivision (a) with regard to  
20 environmental protection, cleanup measures, and  
21 resource conservation, and to provide minor capital  
22 outlay for emergency projects necessary to prevent harm  
23 to California's environment and its citizens.

24 75203. (a) The Secretary for Environmental  
25 Protection shall notify each governmental entity ~~in~~ *and*  
26 *each community-based nonprofit environmental*  
27 *organization located within the California-Baja California*  
28 *border region, and each postsecondary educational*  
29 *institution in located within Baja California —that is located*  
30 *and within the California-Baja California border region,*  
31 *that the entity, organization, or institution may request*  
32 *funding for the purposes described in Section 72502.*

33 (b) The Secretary for Environmental Protection, in  
34 consultation with Cal BECC, shall award grants to a  
35 governmental entity, *community-based nonprofit*  
36 *environmental organization,* or postsecondary  
37 educational institution based on the severity of the  
38 environmental concerns in the city or county in which  
39 the entity, *organization,* or institution is located. First  
40 priority for funding shall be given to an entity,

1 *organization*, or institution located in a city or county in  
2 which environmental concerns in that city or county  
3 adversely affect air or water quality in a neighboring  
4 California city or county.

5 (c) The Secretary for Environmental Protection, on  
6 behalf of Cal BECC, shall accept donations of used  
7 equipment, including computers, printers, and lab  
8 equipment, for distribution to governmental entities ~~in~~  
9 *and community-based nonprofit environmental*  
10 *organizations located within the California-Baja*  
11 *California border region and postsecondary educational*  
12 *institutions in located within Baja California that—are*  
13 ~~located~~ *and within the California-Baja California border*  
14 *region.*

15 SEC. 3. Section 13362 is added to the Water Code, to  
16 read:

17 13362. Notwithstanding any other law, 20 percent of  
18 all civil penalties collected pursuant to this division each  
19 year shall be transferred annually to the California  
20 Border Environmental Education Fund created  
21 pursuant to Section 72501 of the Public Resources Code.

22 SEC. 4. Section 13441 of the Water Code is amended  
23 to read:

24 13441. (a) There is to be paid into the account all  
25 moneys from the following sources:

26 (1) All moneys appropriated by the Legislature for the  
27 account.

28 (2) All moneys contributed to the account by any  
29 person and accepted by the state board.

30 (3) One-half of all moneys collected by way of criminal  
31 penalty and, except as provided in Section 13362, all  
32 moneys collected civilly under any proceeding brought  
33 pursuant to this division.

34 (4) All moneys collected by the state board for the  
35 account under Section 13304.

36 (b) The first unencumbered five hundred thousand  
37 dollars (\$500,000) paid into the account in any fiscal year  
38 is available, without regard to fiscal years, for expenditure  
39 by the state board in accordance with this article. The  
40 next unencumbered five hundred thousand dollars

1 (\$500,000), or any portion thereof, deposited in any fiscal  
2 year, is available for expenditure by the state board for  
3 the purposes of this article, subject to the provisions set  
4 forth in Section 28 of the Budget Act of 1984 (Chapter 258  
5 of the Statutes of 1984). The next unencumbered one  
6 million dollars (\$1,000,000) deposited in the account in  
7 any fiscal year is available for expenditure by the state  
8 board for the purposes of Section 13443. The remaining  
9 unencumbered funds deposited in the account in any  
10 fiscal year is available, without regard to fiscal years, to  
11 the state board for expenditure for the purposes set forth  
12 in Section 13442.

